

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

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JUN 21 2006

2006 AUG 28 A 10: 06  
FILED  
CLERK'S OFFICE**DOCKET NO. 1634****BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE PEANUT CROP INSURANCE LITIGATION****(SEE ATTACHED SCHEDULE)****CONDITIONAL TRANSFER ORDER (CTO-2)**

On October 26, 2004, the Panel transferred six civil actions to the United States District Court for the Eastern District of North Carolina for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, one additional action has been transferred to the Eastern District of North Carolina. With the consent of that court, all such actions have been assigned to the Honorable Malcolm J. Howard.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of North Carolina and assigned to Judge Howard.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of North Carolina for the reasons stated in the order of October 26, 2004, 342 F.Supp.2d 1353 (J.P.M.L. 2004), and, with the consent of that court, assigned to the Honorable Malcolm J. Howard.

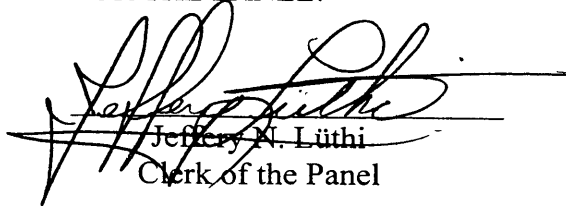
This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of North Carolina. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

JUL - 7 2006

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

  
Jeffrey N. Lüthi  
Clerk of the Panel

I certify the foregoing to be a true and correct  
copy of the original.

7/11/06  
Clerk  
United States District Court  
Eastern District of North Carolina

By   
Deputy Clerk

**SCHEDULE CTO-2 - TAG-ALONG ACTIONS**  
**DOCKET NO. 1634**  
**IN RE PEANUT CROP INSURANCE LITIGATION**

DIST. DIV. C.A. #CASE CAPTION

ALABAMA MIDDLE  
ALM 2 06-324

Alabama Peanut Farmers, et al. v. United States of America  
4:06-CV-161-H

FLORIDA NORTHERN  
FLN 5 06-83

Texas Peanut Farmers, et al. v. United States of America  
4:06-CV-162-H

GEORGIA MIDDLE  
GAM 1 06-54

Georgia Peanut Farmers, et al. v. United States of America, et al.  
4:06-CV-163-H

GEORGIA SOUTHERN  
GAS 1 06-52

Charles E. Smith, Jr. v. United States Department of Agriculture, et al.  
4:06-CV-129-H

SOUTH CAROLINA  
SC 3 06-1116

Wallace A. Berry, et al. v. Ross J. Davidson, et al.  
4:06-CV-164-H

TEXAS EASTERN  
TXE 2 06-209

Texas Peanut Farmers, et al. v. United States of America  
4:06-CV-144-H

TEXAS NORTHERN  
TXN 5 06-73

Billy Barnes, et al. v. United States of America  
4:06-CV-116-H

TEXAS SOUTHERN  
TXS 4 06-1289

David Groschke, et al. v. United States of America  
4:06-CV-122-H

TEXAS WESTERN  
TXW 5 06-322

Texas Peanut Farmers, et al. v. United States of America  
4:06-CV-165-H



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Phone (252) 830-6009  
Fax (252) 830-2793

United States District Court  
Office of the Clerk  
Room 209, 201 S. Evans Street  
Greenville, NC 27858-1137

Michael D. Brooks  
Acting Clerk

July 25, 2006

United States District Court  
Debra P. Hackett, Clerk  
P.O. Box 711  
Montgomery, AL 36101-0711

RE: MDL-1634-In Re Peanut Crop Insurance Litigation  
Alabama Peanut Farmers, et al v. Ross J. Davidson, et al C.A.No. 2:06-324  
Eastern District of North Carolina Case No. 4:06-CV-161-H2

Dear Clerk:

Pursuant to 28 U.S.C. 1407 and order of the Judicial Panel on Multidistrict Litigation this action has been transferred to the Eastern District of North Carolina for coordinated or consolidated pretrial proceedings. A certified copy of the transfer order is enclosed. This case is assigned to the Honorable Malcolm J. Howard, Senior United States District Judge.

Rule 19 of the Rules of Procedure for the Judicial Panel on Multidistrict Litigation requires that upon receipt of a certified copy of a transfer order from the clerk of the transferee district court, the clerk of the transferor district court shall forward to the clerk of the transferee district court the complete original file and a certified copy of the docket sheet for the transferred action.

If you should have any questions about this litigation or the procedures, please don't hesitate to call.

MICHAEL D. BROOKS, ACTING CLERK

By: Delsia Heath, Deputy In Charge  
(252) 830-6009

cc: Counsel of Record  
Jeffery N. Luthi, Clerk of the Panel (w/o encl.)